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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/759,775

Filing Date

January 16, 2004

First Named Inventor

KULAS

Art Unit

3643

Examiner Name

Jeffrey L. GELLNER

Attorney Docket Number

CJK-14

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

Postcard, Statement, Check for \$1145.00

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Printed name

Charles J. Kulas

Date

August 25, 2006

Reg. No.

35,809

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Charles J. Kulas

Date

August 25, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Maria Masai Kulas
Serial No. : 10/759,775
Filed : January 16, 2006
Title : PLANT AND FLOWER WIND SCREEN INCLUDING ATTACHED STAKES

Art Unit : 3643
Examiner : Jeffrey L. Gellner

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicant hereby petitions under 37 CFR §1.137(b) to revive the above application, which was abandoned on August 7, 2006 for failure to properly respond to Final Office Action mailed December 29, 2005.

Enclosed is a check for \$1,145 in payment of the petition fee by a small entity as set forth in 37 CFR §1.17(m) of \$750.00 and the remainder of fees due for the Request for Continued Examination filed June 19, 2006 in the amount of \$395.00. Check number 2503 in the amount of \$285.00 was received and deposited by the PTO on June 26, 2006. The total fees for the RCE were \$680.00; the application became abandoned because the entire fee was not received. With this petition, applicant submits that all fees have now been paid and requests that the Request for Continued Examination filed June 19, 2006 proceed.

Applicant submits that the entire period of delay was unintentional.

Respectfully submitted,


Charles J. Kulas
Reg. No. 35,809

Date: August 25, 2006

651 Orizaba Avenue
San Francisco, CA 94132
Telephone: 415-279-5098

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as Express Mail # EV652795002US on the date indicated below and is addressed to the Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 25, 2006

Date of Deposit


Charles J. Kulas

08/30/2006 HSEUTEM1 00000005 10759775

02 FC:2801

395.00 DP

PROCESSING FEE

Under 37 CFR 1.17(m)

TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/759,775
Filing Date	01/16/2004
First Named Inventor	KULAS
Art Unit	3643
Examiner Name	GELLNER
Attorney Docket Number	CJK-14

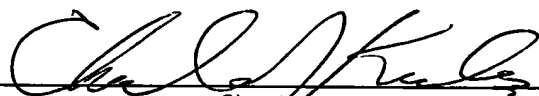
Enclosed is a paper filed under 37 CFR 1.137(b) that requires a processing fee (37 CFR 1.17(m)).
Payment of \$ 750.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable.

Payment of Fees

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____
☐ processing fee under 37 CFR 1.17(m) ☐ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.
- ☒ Check in the amount of \$ 750 is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(m): Fee \$750 Fee Code 2453



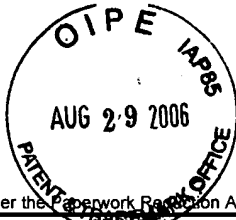
Signature
Charles J. Kulas

Typed or printed name

August 25, 2006

Date
35,809

Registration No., if applicable

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

CJK-14

First named inventor: KULAS, Maria Masae

Application No.: 10/759,775

Art Unit: 3643

Filed: 01/16/2004

Examiner: Jeffrey L. Gellner

Title: PLANT AND FLOWER WIND SCREEN INCLUDING ATTACHED STAKES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Request for Continued Examination (identify type of reply):

- ☒ has been filed previously on June 19, 2006
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
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08/30/2006 H8UTENAL 00000005 10759775 750.00 OP
01 FC:2453


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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature Charles J. Kulas _____ Typed or printed name 651 Orizaba Avenue _____ Address San Francisco, CA 94132 _____ Address	August 25, 2006 _____ Date 35,809 _____ Registration Number, if applicable 415-279-5098 _____ Telephone Number
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Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Postcard, Fee Transmittal, Transmittal sheet


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

August 25, 2006

 Date



 Signature
 Charles J. Kulas

 Typed or printed name of person signing certificate